IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT :	Mordaunt, *et al.*	CONFIRMATION NO. :	1396
SERIAL NUMBER :	10/531,691	EXAMINER :	Nguyen, Dung T.
FILING DATE :	April 23, 2007	ART UNIT :	2828
FOR :	SYSTEM, METHOD, AND APPARATUS TO PROVIDE LASER BEAMS OF TWO OR MORE WAVELENGTHS		

Via EFS

APPLICATION FOR ADJUSTMENT OF PATENT TERM UNDER 37 C.F.R. § 1.705(b)

Applicants request reconsideration of the patent term adjustment under 37 C.F.R. § 1.705(b) to **64** days as of the mailing of the Notice of Allowance. In support of this request, Applicants submit the following statement of facts pursuant to 37 C.F.R. § 1.705(b).

(i) The United States Patent and Trademark Office ("Office") calculated the adjustment under 35 U.S.C § 154(b)(1)(A) as **246** days (USPTO A Delay). Applicants do not dispute this number.

(ii) The correct reduction of patent term under 35 U.S.C § 154(b)(2)(C), for Applicants' failure to engage in reasonable efforts to conclude prosecution of the application, is **64** days. This number differs from that calculated by the Office by **62** days for the following reason:

On February 22, 2006, Applicants filed a Response to Notice of Missing Requirements with an extension of time. This response was filed 62 days after the date that is three months after the mailing date of the Notice. Applicants believe that **62** days of Applicant delay should be applied.

In summary, Applicants respectfully request an adjustment of patent term to indicate a total PTA of **64** days, which is the sum of periods under 35 U.S.C § 154(b)(1)(A) (**246** days), less the sum of the periods under 35 U.S.C § 154(b)(2)(C) (62 + 52 + 68 = **182** days), or a total of **64** days.

Applicants believe that additional adjustment (reduction) in patent term may be required due to Applicants' delay in completing all requirements of the Notice to File Missing

Requirements mailed September 22, 2005 and the Notice of Defective Response mailed May 15, 2006. The period between December 23, 2005 (the date that is three months after the mailing date of the first Notice) and April 23, 2007 (the date of completion of all 35 U.S.C. 371 requirements) is 487 days.

The above-identified application is not subject to a terminal disclaimer. There were no circumstances constituting a failure to engage in reasonable efforts to conclude processing or examination of the application as set forth in 37 C.F.R.§ 1.704, other than the circumstances described above.

Applicants reserve the right to request reconsideration of the patent term calculated under 35 U.S.C § 154(b)(1)(B). As of the present time, the delay due to the failure of the Office to issue a patent within three years after the date on which the application was filed is estimated to be 592 days, which is the period from April 18, 2008 (the day after the date that is the three year anniversary of the application filing date) up to and including August 3, 2010 (the projected issue date, which is 4 months from today, the date the issue fee is filed), which is a period of 832 days, less 246 days which overlap with the period in (i) above (838-246=592). This application is a national application of International Application No. PCT/US2003/29132. The international filing date is October 16, 2003. The filing date used to calculate the patent term adjustment under 35 U.S.C § 154(b)(1)(B) is <u>April 17, 2005</u>, which is 30 months from the priority date of October 17, 2002 (a Chapter II Demand was filed in this application).

Pursuant to 37 C.F.R. § 1.705(b) and § 1.18(e), the fee required for filing this application for patent term adjustment is believed to be **$200.00**. Please charge the required fee, and any additional fees due, or credit any overpayment of same, to Deposit Account No. 50-0311, Customer No. 30623, Reference No. **35678-609N01US**.

<div style="text-align:center;">Respectfully submitted,</div>

/Muriel Liberto/

Date: April 26, 2010

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